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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,074	12/20/1999	Bas Ording	001580-504	1894
21839	7590	07/23/2004	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			BAUTISTA, XIOMARA L	
			ART UNIT	PAPER NUMBER
			2179	27
DATE MAILED: 07/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/467,074	ORDING ET AL.
	Examiner	Art Unit
	X L Bautista	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 May 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22,24-72 and 74-141 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 109-117 is/are allowed.
- 6) Claim(s) See Continuation Sheet is/are rejected.
- 7) Claim(s) 6-8,29,30,33,34,39-41,65,66,69,70,75,77,78,101,102,105,106,124 and 125 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims rejected are 1-5,9-22,24-28,31,32,35-38,42-64,67,68,71,72,74,76,79-100,103,104,107,108,118-123 and 126-141.

DETAILED ACTION

Prosecution Reopened

1. Prosecution has been reopened for it has been observed independent claim 1 lacks motivation to combine the references. However, references Selker and Carpendale et al still apply and a new final rejection is therefore made based on the previously cited references.

Response to Arguments

2. Applicant's arguments filed 24 May 2004 have been fully considered but they are not persuasive.

A. Applicant argues (page 5, last paragraph; page 6; page 7, lines 1-2) that "Selker...discloses a method for improving visibility and selectability of icons, by increasing size and/or skew of one or more icons in a generally inverse relation to proximity of a cursor...The action states that the Carpendale publication discloses distortion viewing techniques for 3-dimensional data that apply magnification and distortions, in which a chosen focus is magnified to display detail, and neighbors are repositioned to accommodate the focal object...there is no explanation of the manner in which the teachings of the Carpendale publication are being applied to the icon menu of the Selker patent...the Carpendale publication is directed to a

problem that is not present in the icon menu of the Selker patent...there is no motivation to combine their teachings..."

In response, Selker discloses a method for improving visibility and selectability of icons by increasing size and/or providing animation of the icons or menu objects. Carpendale discloses a method for magnifying a chosen focus to display detail by repositioning the neighboring tiles to accommodate the different sizes of the focal object. Claim 1 of the present application includes: a computer system having a display (Selker/Carpendale teaches a computer system having a display); a cursor for pointing to a position within said display (Selker/Carpendale needs a cursor for pointing to a position and for selecting an object); a bar rendered on said display and having a plurality of tiles associated therewith (Selker teaches a bar having tiles); and a processor for varying a size of at least one of said plurality of tiles on said display when said cursor is proximate said bar on said display and for repositioning others of said plurality of tiles along said bar to accommodate the varied size of said one tile (Selker/Carpendale teach varying the size of tiles when the cursor is proximate the bar; Carpendale teaches repositioning other tiles to accommodate the varied size of one tile). Thus, it would have obvious to one ordinarily skilled in the art at the time the invention was made to modify Selker to include Carpendale's teaching of

Art Unit: 2179

repositioning neighboring objects to accommodate other tiles having different sizes and to magnify the focus in order to improve visibility and selectability of desired objects.

B. Applicant argues (page 7, lines 4-last line; page 8, lines 10-last line) that "Selker...is directed to a graphical user interface for a computer...In contrast...Carpendale...is not directed to the components of a graphical user interface, such as an icon menu. Rather, it is directed to techniques for viewing data that is displayed in a *three-dimensional* representation...it can be seen that...Carpendale...is concerned with the user's ability to view data that is *hidden* from view in a three dimensional arrangement...Since...Carpendale...is directed to a problem that is not even present within the icon menu of...Selker...there is no apparent reason *why* a person of ordinary skill in the art, who is designing a graphical user interface of the type taught in...Selker...would be motivated to look to the teachings of the Carpendale publication..."

In response, see A. Selker is directed to a graphical user interface having a bar and tiles. Carpendale teaches a graphical user interface (environment that represents programs, files, and options by means of icons, menus, and dialog boxes on the screen; the user can select and activate options by pointing and clicking with a mouse and/or a keyboard) and a

method for enabling users to select objects representing data, for increasing the size of pointed objects and neighboring objects, for creating a clear line of sight to a focus, for revealing obscured sections, and for accommodating the neighboring objects having varied sizes. Carpendale teaches the "fisheye effect" which is being used in multiple inventions to increase the number of objects in an interface (bars having tiles; menus having multiple options) and for enhancing visibility and selection of objects.

C. Applicant argues (page 9, 3rd paragraph) that "claim 13 recites that the maximum size to which a tile can be enlarged is a user-selectable characteristic...Selker...states that the size factor can limited 'by the application.' There is no indication that the user has the ability to select a maximum size."

In response, Selker discloses (col. 9, lines 29-36) "the size factor, the skew timing of the icon graphics...and the icon addresses are...derived and provided to the display controller...which renders the icons in a visually enhanced manner on the display. Depending on the enhancement mode determined by the operational state of the application, any and all of the variations of display enhancement described...may be selectively produced." In any computer use or application, selections are always made by a user.

D. Applicant argues (page 9, last 2 lines; page 10, lines 1-3) that "claim

Art Unit: 2179

14 recites that the default size for the tiles is user selectable...The portions of the Selker patent identified in the rejection of this claim...do not suggest such a feature. Rather, they relate to the behavior of an icon in response to movement of the cursor. They do not have anything to do with user selectability."

In response, see response to argument C. See Selker, col. 9, lines 29-36.

E. Applicant argues (page 10, lines 4-10) that "claim 15 recites that the effect width...is user selectable. The rejection of this claim points to portions of the Selker patent which state that an icon can be expanded to any arbitrary size. However, the expanded size of an icon has nothing to do with effect width, as that concept is defined in the context of the present invention...the Selker patent only discloses that individual icons are scaled rather than a range of icons within a certain distance of the cursor."

In response, see response to argument C. Claim 15 recites "...computer system of claim 12, wherein an effect width within which said at least one of said plurality of tiles have varied size is said at least one characteristic. Claims 12 recites "...computer system of claim 1 further comprising: a user selection function for permitting a user to select a value of at least one characteristic of said bar. In other words, claim 15 recites a

computer system having a user selection function for permitting a user to select a value of one characteristic of the bar, wherein an effect width within which at least one tile has varied size is at least one characteristic. Selker teaches values assigned to an attribute data that represents a visual feature; the menu items are displayed in accordance with the assigned attribute data value (col. 9, lines 29-35, 63-67; col. 10, lines 1-7). Selker teaches icons that can be expanded (effect width) to an arbitrary size (col. 5, lines 34-55; col. 6, lines 1-17, 40-47; col. 7, lines 36-44). Most taskbars and toolbars, permit users to select characteristics such as "use large icons", "show icons using all possible colors", etc.; icon user-selectable characteristics are well known in the art.

F. Applicant argues (page 10, lines 14-17) that "claim 21 recites that the plurality of tiles occupy multiple rows on the display. Claims 57 and 93 recited a similar concept. The rejection of these claims contains a general reference to Figures 1-25 of the Carpendale publication. However, none of these figures relate to elements of a user interface, such as icons or tiles on a bar."

In response, claim 21 recites "...computer system of claim 1, wherein said plurality of tiles occupy multiple rows on said display." Carpendale teaches a 2-dimensional display having multiple rows containing objects. For

example, figure 1 illustrates a group of 2D displays having multiple rows containing objects. Most taskbars are operative to occupy more than one row when the number of active applications (tiles) is too large that cannot be positioned in just one row anymore.

G. Applicant argues (page 10, last paragraph; page 11, lines 1-2) that "the rejection of claim 121, and corresponding claim 131, refers to the Selker patent at column 5, lines 19-33. Neither this portion of the patent, nor any other portion thereof, discloses the concept of determining which icons to scale, other than the one closest to the cursor, based upon whether they are within a defined distance of the cursor. Rather, the Selker patent only discloses that an individual icon is expanded, not a range of icons that lie within a given distance of the cursor."

In response, claim 121 recites "...method of claim 120 wherein the other icons that are magnified are those which are located within a defined distance of said cursor. Claim 131 recites "...method of claims 30 wherein the other icons whose heights are increased are those which are located within a defined distance of said cursor." Selker and Carpendale teach increasing the size of an object when the cursor is positioned within a predetermined distance of the tiles, and Carpendale also teaches increasing the size of objects close to the pointed object; the size of neighboring

objects is increased according to a predetermined distance of the cursor; see figures 1 and 5.

H. Applicant argues (page 11-page 12) that "claims 128, 138 and 141 are directed to an aspect of the invention wherein the tile, or icon, closest to the cursor is magnified to a maximum defined height when the cursor enters the userbar region...Selker...discloses an arrangement in which the size of the icon is increased in a generally inverse relation to the proximity of the cursor...In the Selker patent, the size of the icon does not increase from the default size to the maximum size upon detecting that the cursor is within the threshold distance...the size of the icon only increases to an intermediate value when the cursor is at this distance..."

In response, Selker teaches displaying a plurality of tiles at a default height in a region of a graphical user interface; detecting that the cursor is within a threshold (predetermined) distance from a tile; and increasing the height of the tile closest to the cursor. Fig. 1 illustrates a bar (icon menu 30) having a plurality of tiles (icons 35) including exemplary tiles C to R having a default height. Selker teaches that the size of the tile will increase in accordance with the proximity of the cursor until it reaches the maximum size allotted to each icon (col. 5, lines 33-67; col. 6, lines 1-17).

i. Applicant argues (page 13, lines 2-14) that "independent claim 71

recites a plurality of items which each have an associated default height.

Claim 72...recites that the items are displayed at the default height unless they exceed a predetermined number, in which case the plurality of items are scaled, e.g., reduced in size...The rejection of claim 72 relies upon...Malamud...particularly its reference to a minimum size requirement...However, this teaching does not suggest the subject matter of claim 72. Rather, the Malamud patent teaches that a minimum amount of space is required to dock an application, and if that amount is not available, the docking of an application is prevented...Malamud...does not accommodate additional items by scaling them in size. Rather, it precludes the addition of more items beyond certain point...the subject matter of claim 72 is not suggested by the Malamud patent, even when considered with the Selker and Carpendale references."

In response, Carpendale teaches (figure 1) a group of 2D displays having multiple rows containing objects of different sizes. Malamud (Microsoft) teaches that the system determines whether or not the docked application is an embedded form (permanently displayed when docked); the application specifies a desired width for the docked window image; once the minimum size requirement in the panel is exceeded then docking of the application is prevented (col. 10, lines 20-60. Taskbars also temporarily

display all active application programs to provide quick and direct access to a desired active application (read summary).

Microsoft (and most) taskbars change the size of the tiles every time the number of tiles increases, then another row of tiles is displayed when the number of tiles gets to the maximum number permitted. The concept of "fisheye" distortion has been around a long time; the non-patent literature cited before by the Examiner ("Fisheye Menus" by Benjamin Bederson) illustrate scaling of multiple items when the number of items exceeds a predetermined maximum number (page 3, last two paragraphs; fig. 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-5, 9, 10, 12-15, 20, 21, 25-27, 35-38, 42-46, 48-51, 56, 57, 61-63, 71, 74, 76, 79-82, 84-87, 92, 93, 98, 99, 107, 118-123, and 127-141 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selker (US 5,736,974) in view of Carpendale et al (Distortion Viewing Techniques for 3-Dimensional Data, 1996).**

Claims 1, 35, 71, 107, 118, 136, and 139:

Selker discloses a method for improving visibility and selectability of icons. Enhanced visibility of icons and other types of menu items is provided by increasing size and or skew (animation) or both of one or more icons or menu items in a generally inverse relation to proximity of a cursor image address to particular icons or menu items (abstract; col. 4, lines 59-67; col. 9, lines 55-67; col. 10, lines 1-7). Selker does not teach repositioning the other tiles along the bar to accommodate the varied size of the one tile. However, Carpendale discloses a method for distortion viewing techniques for 3-dimensional data that applies magnification and distortion. Carpendale teaches that the method allows magnification of a chosen focus to display detail (page 48, col. 2, lines 13-28; figs. 6 & 16; page 50, col. 1, lines 18-31). Carpendale teaches repositioning the neighbors (other tiles) to accommodate the varied size of the focal object; the viewing access distortion restores the visibility of the central focus (page, col. 2, lines 28-31; figs. 1, 2, 3, 5, 11, 12, 16, 17, & 18). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Selker to include Carpendale's teaching of repositioning neighboring objects to accommodate other tiles having different sizes and to magnify the focus because the invention helps to improve visibility of desired

objects, it improves user's ability to select items from large menus, it provides a focus area around the pointer, it allows an entire menu on a single screen without requiring navigation, scrollbars, cascading menus, etc.

Claims 2, 3, 4, 36, and 37:

See claim 1. See Selker, col. 8, lines 26-34; figures 1-5; see Carpendale: page 50, column 1, lines 8-13.

Claims 5, 38, 74, and 76:

See claim 1. Selker teaches that if icons E and P (fig. 5) are at arbitrary locations on the screen 61, 62 and the cursor at another arbitrary location, evaluation of d' and d'' would ordinarily be done in regard to both orthogonal directions on the display by, for example, applying the well-known Pythagorean theorem to the distances between the icon address and the cursor address in both coordinate directions. Differences in d (distance) provide for different degrees of expansion of respective icons (col. 5, lines 33-55; col. 6, lines 1-17, 40-47; col. 7, lines 27-30, 36-44, 51-57).

Claims 9, 45, 81, 123, and 133:

See claim 1. Carpendale teaches the use of four different functions, orthogonal, step, sine, and Gausian (page 47, col. 2, lines 5-10; page 50, col. 1, lines 8-13).

Claims 10 and 82:

See claim 1. Selker does not teach the position of the icon menu (bar). However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to position Selker's bar at the bottom of the display because the user can easily access and manipulate the icons.

Claims 12, 48, and 84:

See claim 1. Selker teaches that a value is assigned to an attribute data representing a visual feature, the assigned value being from a group of at least three different values. The menu items are displayed in accordance with the assigned attribute data value (col. 9, lines 29-35, 63-67; col. 10, lines 1-7).

Claims 13, 49, and 85:

Selker teaches that the size of the menu item is limited in response to detection of the cursor location within the detection zone of the menu item (col. 8, lines 55-60; col. 9, lines 29-36; col. 10, lines 21-23).

Claims 14, 44, 50, 80, and 86:

Selker teaches that the user can enlarge the icon at will and also shrink the icon by moving the cursor toward the normal position of the icon in the unexpanded (default) icon menu (col. 6, lines 60-67; col. 7, lines

1-26).

Claims 15, 51, and 87:

Selker teaches that an icon can be expanded to an arbitrary size (col. 5, lines 34-55; col. 6, lines 1-17, 40-47; col. 7, lines 36-44).

Claims 20, 56, and 92:

See claim 1. Selker teaches a plurality of tiles occupying a single row on the display (Selker, figures 1-5).

Claims 21, 57, and 93:

See claim 1. Carpendale teaches a plurality of tiles (2D display) occupying multiple rows on the display (Carpendale, figs. 1, 5).

Claims 25 and 61:

See claim 1. Selker teaches that the size of a menu item (tiles) is changed when the cursor is positioned on or close to the item (abstract; col. 4, lines 7-28).

Claims 26, 62, 121, and 131:

See claim 1. Selker teaches a cursor proximate to the bar (icon menu) when the cursor is within a predetermined distance of the tiles (Selker, col. 5, lines 19-33).

Claims 27, 63, and 99:

See claim 1. Selker teaches displaying a label associated with the

tiles (Selker, figures 1-5).

Claims 42, 119, and 129:

See claim 1. Carpendale teaches magnification of icons proximate to the focal object (figs. 1, 2, 3, 5, 11, 12, 15-17).

Claim 43:

Selker teaches user selection of a magnitude of the magnification (col. 6, lines 40-47, 60-67; col. 7, lines 1-11; col. 9, lines 29-36).

Claim 46:

Selker teaches a userbar rendered at an edge of the display (Selker, col. 7, lines 4-11; figures 1-5).

Claim 79:

Selker teaches that the size factor can be limited for limiting size expansion (col. 7, lines 18-25; col. 8, lines 1-10, 55-60).

Claim 98:

See claim 5. See Selker, col. 5, lines 33-55; col. 6, lines 1-17, 40-47; col. 7, lines 27-30, 36-44, 51-57; figs. 2-5.

Claims 120 and 130:

Selker teaches that icons are magnified by a factor that is preferably in some linear or non-linear inverse proportionate relationship to the proximity of the cursor (col. 5, lines 46-50).

Claims 122, 132, and 134:

Selker teaches that depending on the enhancement mode, any and all of the variations of display enhancement may be selectively produced (col. 9, lines 29-35).

Claims 127 and 135:

See claim 1. Selker teaches a row of icons displayed adjacent one edge of a display (Selker, figs. 1-5).

Claims 128, 138, and 141:

See claims 1, 5, and 26. Selker explains that the system may include several distance thresholds (col. 5, lines 19-67; col. 6, lines 1-17) and that the menu item's size is determined in inverse relation to the proximity of the cursor (col. 4, lines 21-29; col. 8, lines 6-8). Selker also teaches that the size of a menu item can be expanded to an arbitrary size and the graphic cursor brought to the selection position (col. 6, lines 40-47); and that the size factor of the menu item can be limited by the application such as for limiting size expansion to prevent unintended selection or delimiting size expansion in the case of a requirement for mandatory input, etc. (col. 8, lines 46-60). Selker explains that differences in d provide for different degrees of expansion of respective icon; and that depending on the enhancement mode determined by the operational state of the application,

Art Unit: 2179

any and all of the variations of display enhancement may be selectively produced (col. 9, lines 29-35). Selker teaches that the size of a menu item is expanded in inverse proportionate relationship to the proximity of the cursor from a default height (e.g., h) to a fixed maximum level, and the height is maintained at that fixed level. For example, when distance = 8, height = $h + 1$; when distance = 4, height = $h + 2$; when distance = 2, height = maximum level, which is maintained.

Claims 137 and 140:

Selker teaches that the object close to the cursor is magnified to a level that is inversely related to its distance from the cursor (figs. 1-3A). Carpendale teaches that all objects close to the cursor are magnified to levels that are inversely related to their distance from the closest item (page 46, col. 2, 2nd paragraph; figs. 1, 5).

5. Claims 11, 16, 17, 22, 24, 47, 52, 53, 58-60, 72, 83, 88, 89, 94-97, 108, and 126 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Selker/Carpendale* in view of *Malamud et al* (US 5,825,357).

Claims 11, 47, and 83:

See claim 1. Selker/Carpendale does not teach that there is a gap between the bar and the bottom of the display. However, Malamud

Art Unit: 2179

discloses a tool interface, which includes a tray section 12 and an applications section 14. Display mode controls associated with the tray section enable a user to define how, where, and when the tray section and computer resources associated with the tray are displayed. The user may either attach the tray section to any of the four sides of the display screen or display the tray section as a palette (fig. 3). In the palette mode of display for the tray section, both the dimensions and position of the tray section are modifiable by the user (abstract; col. 4, lines 35-48). Therefore, it would have been obvious to an artisan in the art at the time of invention to include Malamud's palette mode in Selker/Carpendale's invention because the user is enabled to define the bar's position leaving, or not, a space between the bar and the bottom of the display.

Claims 16, 17, 52, 53, 88, and 89:

Selker/Carpendale does not teach that the bar is removed from the display when the cursor moves away from the bar. However, Malamud teaches that in the collapse mode the tray section is collapsed to a width of four pixels, enabling the applications section to occupy substantially the entire screen (col. 5, lines 52-67; col. 6, lines 1-13). Thus, it would have been obvious to a person having ordinary skill in the art at the time of invention to include Malamud's teachings in Selker/Carpendale's invention

Art Unit: 2179

because the user is enabled to instruct the computer system to hide or minimize the toolbar when needing to occupy the entire screen.

Claims 22, 24, 58, 60, 94, 96, and 97:

See claim 20. Malamud teaches a permanently displayed extended command area 23 of the tray section 12, referred to as an embedded computer resource. The embedded computer resource includes a system icon 28 and a digital clock display 44, but other computer resources can be added to the command area 22 (col. 6, lines 41-60; col. 9, lines 49-61).

Claims 59 and 95:

See claim 22. Malamud teaches that at least two tiles establish a left and right end for the userbar (Malamud, figure 2).

Claim 72:

See claim 21. Malamud teaches that tiles have a minimum size, which is changed when the panel exceeds the minimum size requirement (col. 5, lines 12-22; col. 6, lines 41-60; col. 10, lines 54-60).

Claim 108:

See claim 22. Malamud teaches that the user can control the allocation of the tiles (col. 7, lines 34-36; col. 10, lines 43-53; col. 11, lines 7-20; col. 13, lines 47-67; col. 14, lines 1-11, 48-53).

Art Unit: 2179

Claim 126:

See claim 24. Malamud teaches permanent and nonpermanent objects embedded in the bar. Malamud teaches icons (outermost ends) 28 and 34, which are predetermined, and the other icons are user-selectable (col. 6, lines 41-60; fig. 2).

6. **Claims 18, 19, 54, 55, 90, and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selker/Carpendale in view of Ludolph et al (US 5,657,049).**

Claims 18, 54, and 90:

Selker/Carpendale does not teach that when the bar is removed it appears to slide into an edge of the display in response to a keystroke. However, Ludolph discloses a Desk Drawer, which is closed (removed) when the cursor pointer 50 leaves the drawer region 35. Mouse and/or keyboard commands may be effectuated to close the Desk Drawer (col. 9, lines 31-39; col. 13, lines 16-22). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Ludolph's teachings in Selker/Carpendale's invention because animation creates the illusion of movement, it adds realism, the drawer not only disappears but the user can actually see it opening and closing.

Claims 19, 55, and 91:

See claim 18. Ludolph teaches that the computer automatically closes (autohide) Desk Drawer when the cursor pointer leaves the drawer region 35 (col. 13, lines 16-22).

7. **Claims 28, 31, 32, 64, 67, 68, 100, 103, and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Selker/Carpendale* in view of *Mackinlay et al* (US 6,256,649 B1).**

Claims 28, 64, and 100:

Selker/Carpendale does not teach that labels associated with the tiles are displayed with a first predetermined fade-in rate when the cursor moves proximate to a tile from another tile. However, Mackinlay discloses an animated spreadsheet wherein a user can specify the current cell just by moving the mouse cursor on the cell. When the cursor comes in a cell, the data flow graph associated with the cell gradually appear on the screen (fades in), and it gradually disappears when the cursor moves away from the cell (fades out), (abstract; col. 3, lines 11-26; col. 7, lines 32-37; col. 8, lines 21-48). Thus, it would have been obvious to an artisan in the art at the time the invention was made to include a fade-in and fade-out rate in Selker/Carpendale's invention because the gradual increase in visibility

Art Unit: 2179

(fade-in) allows the icon closest to the cursor to take up most of the user's attention and the gradual disappearance (fade-out) avoids confusion when making a selection.

Claims 31, 32, 67, 68, 103, and 104:

See claim 28. Mackinlay teaches that when the cursor comes in a cell, the data flow graph associated with the cell gradually appear on the screen (fades in), and it gradually disappears when the cursor moves away from the cell (fades out), (abstract; col. 3, lines 11-26; col. 7, lines 32-37; col. 8, lines 21-48).

Allowable Subject Matter

8. Claims 109-117 are allowed.
9. Claims 6-8, 29, 30, 33, 34, 39-41, 65, 66, 69, 70, 75, 77, 78, 101, 102, 105, 106, 124, and 125 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not teach or suggest a predefined relationship between an effect width W, a default height h, and a selected

maximum height H including a function S defined as: $S = ((H - h) \div \sin(\pi \times (h \div 2)) \div (W \times 2))$, as recited in claims 6, 39, 75, and 109.

Prior art of record does not teach or suggest a second predetermined fade-in rate when the cursor moves proximate to a tile from outside a region associated with the bar, as recited in claims 29, 65, 103, and 112; and a second fade out rate when the cursor moves out of a region associated with the bar, as recited in claims 33, 69, and 105.

Selker (US Patent 5,736,974) discloses a distance d, which can be computed from an address within the icon menu 30. The icon menu must be unaffected for cursor image positions over most of the display area or window. Some specific or inherent threshold of proximity between the icon menu and cursor selection position 25 should be provided (col. 5, lines 19-32; col. 6, lines 10-17; col. 7, lines 35-43; col. 8, lines 37-45). Selker fails to teach that the position of the tile varies based on a predefined relationship including a function S defined as

$$S = ((H - h) \div \sin(\pi \times (h \div 2)) \div (W \times 2)).$$

Mackinlay et al (US Patent 6,256,649 B1) discloses an animated spreadsheet wherein a brief animation is displayed after a user indicates interest in an annotation. When the cursor comes in a cell the data flow graph associated with the cell gradually appears on the screen (fades in), and

Art Unit: 2179

it gradually disappears when the cursor moves away from the cell (fades out). Mackinlay fails to teach or suggest a second predetermined fade-in rate when the cursor moves proximate to a tile from outside a region associated with the bar, and a second fade out rate when the cursor moves out of a region associated with the bar.

Carpendale discloses distortion-viewing techniques for 3-dimensional data that solves the problem of internal access using a distortion function that creates a clear line of sight to the focus revealing sections previously obscured. The distortion is symmetric about the line of sight and is smoothly integrated back into the original 3D layout. Carpendale teaches that the size of an icon can be changed when the cursor is placed close to it however, Carpendale fails to teach or suggest that the position of the icon changes in accordance with a predefined relationship including a function S defined as $S = ((H - h) \div \sin(\pi \times (h \div 2) \div (W \times 2)))$.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a

Art Unit: 2179

first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on Monday-Thursday (8:00-18:00), Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2179

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista
Patent Examiner
Art Unit 2179

xlb
14 July 2004